

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD EVERETT CRONK,

No. C 07-05313 TEH (PR)

Petitioner,

ORDER DENYING RESPONDENT'S REQUEST FOR STAY

VS.

ROBERT AYERS, JR., Warden,

Respondent.

(Docket No. 6)

On October 18, 2007, Petitioner, a California state prisoner incarcerated at San
in State Prison, filed a pro se petition for a writ of habeas corpus under 28 U.S.C.
4 challenging the 2005 decision of the California Board of Parole Hearings'
H") to deny him parole. On April 28, 2008, the Court issued an order to show cause
the petition should not be granted.

Respondent requests a stay of these proceedings in the interest of judicial order and economy to await the outcome of en banc review of Hayward v. Marshall, 512 F.3d 536 (9th Cir. 2008), reh'g en banc granted, No. 06-55392 (9th Cir. May 16, 2008). It is an abuse of discretion for a district court to stay a habeas petition indefinitely pending resolution of a different case involving parallel issues on the basis of judicial economy. Yong v. INS, 208 F.3d 1116, 1120-21 (9th Cir. 2000). Therefore, the Court DENIES the request for a stay. (Docket no. 6.)

SO ORDERED.

DATED: 06/13/08

THELTON E. HENDERSON
United States District Judge